

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JEFFREY EBERLE, et al.,

Plaintiffs,

v.

**Case No. 2:03-CV-272
MAGISTRATE JUDGE KING**

REGINALD WILKINSON, et al.,

Defendants.

ORDER

On April 22, 2011, this Court dismissed the remaining religious damages claims asserted in this action by plaintiff Blankenship, but without prejudice to his prosecution of those claims in *Miller, et al. v. Wilkinson, et al.*, 2:10-CV-917. *Opinion and Order*, Doc. No. 452. Plaintiff Blankenship has filed a motion to reconsider that order, *Motion for Reconsideration*, Doc. No. 462.

Plaintiff Blankenship is a named plaintiff in *Miller v. Wilkinson*, 2:10-CV-917 (S.D. Ohio) and this Court's directive that he pursue his religious damages claims in that action conforms with the procedure mandated by Judge Sargus in *Miller, et al. v. Wilkinson, et al.*, 2:98-CV-275, Doc. No. 532, p. 23 (S.D. Ohio September 30, 2010). Plaintiff Blankenship's argument that he cannot seek damages in the recently-filed *Miller* action because that action involves different defendants is unavailing. The procedure outlined by Judge Sargus specifically addressed that issue. *Id.*, at 24. Thus, the undersigned concludes that there is no basis for reconsideration of its previous order. Plaintiff Blankenship's motion to reconsider, **Doc. No.**

462, is **DENIED**.

Plaintiff Griffin voluntarily dismissed his claims on June 22, 2005, *Stipulation of Dismissal*, Doc. No. 125. This Court previously dismissed the remaining claims asserted by plaintiffs Eberle, Mann and Swint, *Opinion and Order*, Do. No 453, and granted summary judgment in defendants' favor on the merits of plaintiff Weisheit's First Amendment claims, *Opinion and Order*, Doc. No. 424. There are therefore no claims remaining for resolution in this action. For this reason, Plaintiff's Weisheit's *Motion to Appoint Counsel*, **Doc. No. 457**, is **DENIED**.

The Clerk is **DIRECTED** to enter **FINAL JUDGMENT**.

August 4, 2011
DATE

s/ Norah McCann King
NORAH McCANN KING
UNITED STATES MAGISTRATE JUDGE